



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,070	10/15/1999	RYUICHI SHIOHARA	Q56248	9664

7590

08/29/2003

SUGHRUE MION ZINN MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE N W  
WASHINGTON, DC 200373202

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

21

# Office Action Summary

Application No.

09/419,070

Applicant(s)

SHIOHARA, RYUICHI

Examiner

LUONG T NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it includes "A method of changing the order ... disclosed". Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

4. Claim 4 is objected to because of the following informalities:

Claim 4, line 3, "the digital camera an image data management file" should be changed to -- the digital camera comprises an image data management file--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuba et al. (US 5,806,072).

Regarding claim 1, Kuba et al. disclose a digital camera for recording image data onto a recording medium by converting an image pickup light photoelectrically, comprising an image data management file for storing a plurality of recording information having a processing sequence and a recording location of the recorded image data (management of data file, figures 20, 23(A), 23(B), 27(A), 27(B), column 23, lines 15-45), the image data management file stored in to the recording medium separately from the image data (date data is stored I section #21, image data is stored in section #22, figures 23(A), 23(B)); and means for updating the image data management file (controller 19 rearranges the sequence of reproduction of data, figures 27(A), 27(B), column 23, lines 25-45), wherein the processing sequence of the recorded image data is changed by updating at least a part of the plurality of recording information stored in the image data management file except for the processing sequence information (figures 23(A) shows the

Art Unit: 2612

order 1-8 (processing sequence) of recorded image data is changed by changing the picked up date as shown in figure 23 (B)).

Regarding claim 2, Kuba et al. disclose display means for displaying the recorded image data (viewfinder 34, figures 21(A), 21(B), 22, 25(A), 25(B), column 21, lines 23-26), wherein an order of which the image data are displayed on the display means is changed in compliance with the change of the processing sequence (figures 21(A), 21(B), 22, 25(A), 25(B), column 20, lines 45-61, column 22, lines 5-15).

Regarding claim 3, Kuba et al. disclose output means for outputting the recorded image data to an external device (external output terminal 35, figure 22, column 21, lines 20-30), wherein an order of which the image data are outputted to the external device is changed in compliance with the change of the processing sequence (figures 21(A), 21(B), 22, 25(A), 25(B), column 20, lines 45-61, column 22, lines 5-15, column 21, lines 20-30).

Regarding claim 4, all the limitation are contained in claim 1, therefore see Examiner's comments regarding claim 1, except for the feature "deciding processing sequence of predetermined image data" is disclosed as the recording and play of the image files are managed by utilizing the hierarchical directory file system (Kuba et al., column 14, lines 55-65).

***Conclusion***

Art Unit: 2612

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Paruski et al. (US 5,633,678) disclose electronic camera for capturing and categorizing images.

Kawamura et al. (US 5,719,987) disclose photographing mode dependent image data recording method in a digital camera using hierarchical storage to record still images at a different level than sequential images.

Oie et al. (US 6,330,028) disclose electronic image pickup device which is operable even when management information related to recording/reproducing image data is not readable.

Haruki (US 6,452,630) disclose method for arranging image numbers.

Watanabe et al. (US 2003/0128283) disclose electronic apparatus.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**


**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2612

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN  
8/24/2003

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600